

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
)	

**Comments of the Agate Mutual Telephone Cooperative
Association**

On July 29, 2015 the Federal Communications Commission (“FCC” or “Commission”) released a Public Notice (“PN”) in the above referenced docket¹ seeking comment on its preliminary determination of Rate-Of-Return (“RLEC”) Study Areas 100 Percent Overlapped by Unsubsidized Competitors. The FCC recognizes that its methods and assumptions could cause areas to be mislabeled as either competitive or not and seeks comment from the effected competitors and RLECs to ensure accuracy.² Indeed, as the FCC predicted the Agate Mutual Telephone Cooperative Association (“Agate”) Study Area was erroneously identified as potentially entirely served by an unsubsidized competitor, Kellin Communications (“Kellin”). Kellin does not provide service in Agate’s Study Area and should not be deemed a competitor.

Agate is a cooperative RLEC in eastern Colorado serving the town of Agate and surrounding areas, offering traditional voice and broadband services to its customers for over 62 years. With an average density of 0.37 customers per square mile, its service area is very sparsely-populated and high-cost, making Agate heavily dependent upon federal and state high-cost support

¹ Connect America Fund, WC Docket No. 10-90; Public Notice Wireline Competition Bureau Publishes Preliminary Determination of Rate-Of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors. (Rel. July 29, 2015) (“PN”).

² *Id.* at para. 19.

to maintain reasonable rates and quality service for its customers. Despite this challenge, Agate has diligently sought to achieve the FCC's goals of ubiquitous broadband service, and has therefore deployed its network in a manner to ensure that its rural customers enjoy voice and broadband service with a broadband penetration rate of nearly 70%.

I. Kellin Does not serve within Agate's Study Area

Upon release of the PN, no employees of Agate were familiar with Kellin's alleged presence within its exchange. Therefore, Agate sought assistance from its consulting firm, TCA to determine whether Kellin provided service in Agate. On August 18, 2015, an employee from TCA contacted Kellin to determine whether voice or broadband service was available in Agate.³ Kellin informed the TCA employee that Agate was "too far east" as its nearest tower is located in Elizabeth, CO, over 35 miles west of Agate. It is clear from this conversation, that Kellin is not capable of providing service, let alone service meeting the FCC quality service standards, and therefore, Agate's Study Area should be removed from the 100 percent overlapped list.⁴

II. Conclusion

Agate respectfully requests that the FCC remove its Study Area from the list of 100 percent overlapped because the identified Competitive Provider, Kellin, does not serve within Agate's Study Area.

Respectfully submitted,

[electronically filed]_____

³ See *infra* at Appendix A, a transcript of the call and attached affidavit from the TCA employee.

⁴ PN at par. 20.

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Appendix A

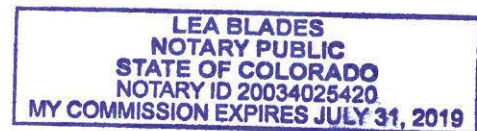
Affidavit and Transcript of Conversation Between Consultant and Kellin

The State of Colorado)
)
The County of El Paso)

1. The attached Appendix A – Kellin Communications Transcript is a true and accurate representation of the conversation that took place between myself and Nick with Kellin Communications at approximately 2:45pm on Tuesday, August 18, 2015.

Lea Blades
NOTARY PUBLIC


Christopher Radcliffe MacIntyre



Kellin Communications Transcript

The following conversation took place at approximately 2:45pm on Tuesday, August 18, 2015. The purpose of the call and recording was to determine whether Kellin Communications was able to provide Internet service in the town of Agate, CO.

Nick: Kellin Communications, this is Nick

Chris: Hey Nick, how's it going, this is Chris, how are you today?

Nick: I'm doing well, how are you doing?

Chris: Good. Hey, got a question for you. I'm looking at a property in Agate, CO and apparently there's not many providers out there and somebody gave me y'all as a name, so I'm wondering if you might be able to help me out and let me know whether or not you're able to serve it.

Nick: Sure, what's the address?

Chris: It's ah, 23738 E Lost Creek Trail

Nick: Ok, let's take a look

Chris: Alright

Nick: Agate....Umm, unfortunately we do not, that's a little too far out east for us

Chris: Oh, is it?

Nick: Ahh, the closest tower that we....yeah, the closest tower that we have is over in Elizabeth. Almost to El Paso County, so it's, or I'm sorry, ahh, Douglas County, so that's not gonna work unfortunately.

Chris: Ok, umm, I've got another property I'm looking at out that way, so I guess does that negate anything in Agate that you're not able to serve there?

Nick: Yeah, Agate appears to be too far out east for us

Chris: Ok, bummer. Do you know anybody that does serve out there?

Nick: There's a couple companies that I could recommend looking into who are similar to us who might have towers. One would be Direct Link

Chris: Ok

Nick: And the other would be, umm, be Sky Beam

Chris: Oh, I've heard of them. Alright Nick, well hey I appreciate your time and umm, wish you the best

Nick: Alrighty sir, thank you very much

Chris: Thank you

Nick: You have a good one

Chris: Alright, bye bye